

Notice of Allowability

Application No.

10/750,577

Examiner

Gregory J. Strimbu

Applicant(s)

ZIMMERMANN, ERIC

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 5/3/06 and the tele. int. of 7/24/06.
2. ☒ The allowed claim(s) is/are 1,3-15 and 17-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/3/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 7/24/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William C. Collard on July 24, 2006.

The application has been amended as follows:

In the title:

changed to title to --CLOSURE OPERATOR HAVING A HANDLE THAT ROTATES AS THE CLOSURE ROTATES--

changed the abstract as follows:

A portal covering such as door or window having a handle that rotates as the door or window rotates. The handle ~~Essentially this portal covering includes a handle, that is~~ rotatably mounted onto the portal covering and ~~that drives the~~ covering ~~door~~ around an axis associated with a frame or wall. As the handle is rotated on its axis on the covering ~~cover~~, the covering ~~cover~~ rotates on its axis on the frame. This allows a ~~Similarly, as the cover rotates about the frame, the handle rotates with this rotating~~ cover ~~allowing a user to always have contact with the handle at all angles of rotation of~~ the covering ~~cover~~. The rotation is accomplished through a direct drive or a gearing ~~system which in this case could be in the form of a miter gear, or other bevel gears or a~~

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~~direct drive-linking two shafts together. Other embodiments are also possible such as drive mechanisms associated with a push plate, cables and pulleys, or gear boxes, push plates or any other type of drive system that incorporates the rotational movement of a handle which translates into the rotational movement of a door.~~

In the claims:

claim 1,

changed line 1 to --A device for covering an opening,--

line 2, deleted "and"

line 4, changed the last occurrence of "coupling" to --covering--

line 7, changed "least-one" to --least one--

changed line 12 to --a plurality of gears, with a first one of said gears coupled to said at least one rotatable shaft, a--

line 13, changed "gear" to --one of said gears-- and deleted the last occurrence of "at least one"

line 14, changed "gear" to --one of said gears-- and changed "moves" to --rotates--

line 15, changed "rotates with said at least one gear rotating" to --and said first gear rotate--

line 16, deleted "at least one"

line 17, deleted "at least one" and changed "within a" to --with respect to the--

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claim 3,

line 2, changed "at least one bevel gear" to --a fourth one of said gears--

claim 4,

line 1, inserted --additional-- following "one"

line 2, changed "at least one bevel gear selected from said plurality of" to --said second and fourth gears are coupled to said ends of said additional rotatable shaft--

line 3, deleted "bevel gears, . . . rotational shaft"

claim 5,

line 1, deleted "at least"

line 2, changed "one bevel" to --third--

claim 6,

line 2, inserted --rotatable-- following "one" and changed "rotational" to --rotatable--

claim 9,

line 1, inserted --rotatable-- following "one"

line 2, inserted --rotatable-- following "additional"

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claim 10,

line 2, inserted --rotatable-- following "one"

claim 11,

line 2, inserted --rotatable-- following "one"

claim 12,

line 1, inserted --additional rotatable-- following "one"

line 2, changed "fixed bevel gear to said bevel gear coupled" to --stationary
shaft--

line 3, changed "additional" to --rotatable--

claim 13,

line 1, changed "openings having a frame in buildings" to --an opening--

line 8, changed the last occurrence of "rotatable" to --rotational--

line 9, changed the first occurrence of "rotatable" to --rotational--

line 12, inserted a semi-colon following the last occurrence of "shaft"

line 13, changed "and" to a comma

line 14, inserted a comma following "together"

line 15, changed "within" to --with respect to--

line 16, deleted "door" and changed "rotates" to --and said at least one rotatable
shaft rotate--

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claim 14,

line 1, inserted a comma following "frame"

line 3, changed "coupled to" to --mounted on--

line 4, changed the last occurrence of "coupled to" to --mounted on--

line 7, changed "coupled to" to --mounted on--

line 9, changed "gear" to --of said gears--

line 10, inserted --said plurality of gears meshing-- following "shaft," and changed "pulls on" to --rotates--

line 11, deleted "with", changed "an" to --said-- and inserted --includes an additional-- following the last occurrence of "shaft"

line 12, inserted --which-- following "gears" and changed "a stationary" to --said--

claim 15,

line 1, changed "device" to --door--

canceled claim 16

claim 17,

line 1, changed "device" to --door--

line 2, changed "disposed within" to --coupled to--

claim 18,

line 1, changed "device" to --door-- and changed "14" to --17--

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changed claim 19 to the following:

19. The door device as in claim 14, wherein said gear of said at least one rotatable shaft comprises ~~further comprising~~ at least two spur gears, with a first one of said spur gears ~~at least one spur gear~~ coupled to said at least one rotatable shaft and a second one of said spur gears ~~at least one additional spur gear~~ coupled to a shaft extending out of said at least one gear box, wherein said first ~~at least one~~ spur gear meshes with said second ~~at least one additional~~ spur gear for turning ~~which turns~~ said gears inside said gear box and turning said at least one additional rotatable shaft.

claim 20,

line 1, changed "device" to --door--

line 2, changed "create an offset for" to --offset--, changed "from" to --with respect-- and changed "an additional" to --a--

line 3, inserted --when-- following "handle"

claim 21,

line 1, changed "device" to --door--

line 2, deleted "portion"

claim 22,

line 1, changed "device" to --door--

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line 2, changed "at least one U-shaped" to --said--

canceled claim 23

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach a drive means for coupling the at least one stationary shaft, said at least one additional rotatable shaft, and the at least one rotatable shaft together, the drive means for rotating the handle when the covering rotates, wherein when the covering rotates with respect to the frame, the at least one additional rotatable shaft and the at least one rotatable shaft rotate around the at least one stationary shaft using the drive means. See lines 13-17 of claim 13. Additionally, the prior art of record fails to teach a plurality of gears with at least one of the gears attached to each of the rotatable shaft, the additional rotatable shaft and the stationary shaft, the plurality of gears meshing so that when a user rotates the handle, the rotatable shaft rotates the additional rotatable shaft, wherein the additional rotatable shaft includes an additional gear selected from the plurality of gears which meshes with the gear coupled to the stationary shaft so that as the handle rotates the door rotates as well. See lines 9-13 of claim 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

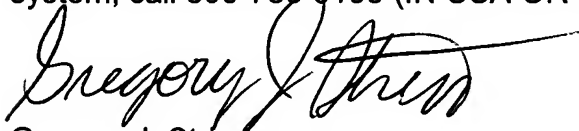
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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gregory J. Strimbu
Primary Examiner
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July 24, 2006